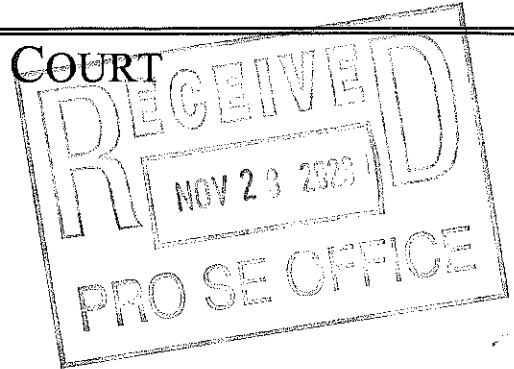


UNITED STATES DISTRICT COURT

for the



RAFAEL ARDEN JONES
Petitioner

v.

Case No.

(Supplied by Clerk of Court)

\$ 28 USC § 1651 376
10 DAY HEARING

Ned McCormack
Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: RAFAEL ARDEN JONES
(b) Other names you have used: RAFAEL ARDEN JONES SR.
2. Place of confinement:
(a) Name of institution: OTIS BANTON CORRECTIONAL CENTER OBC
(b) Address: 16-00 HAZEN STREET UPPER, EAST ELMHURST
NEW YORK 11370
(c) Your identification number: 8952300111
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☒ Other - explain:
RACIAL PRISON INDUSTRIAL COMPLEX § 28 USC § 1651
4. Are you currently:
☒ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: BRONX SUPREME COURT,
CRIMINAL TERM PART 24, BRONX NEW YORK 10457
(b) Docket number of criminal case: CR-013906-21BX IND# 70616-21
(c) Date of sentencing: "NOT GUILTY" "NOT CONVICTED"!
☐ Being held on an immigration charge
☒ Other (explain): CHROMOCRACY, "ACT OF POLITICAL DISFRANCHISEMENT," ECONOMIC DEPRIVATION, AND DESOCIALIZATION" IN VIOLATION OF 13th AMEND USCA CONST.

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☒ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings

☒ Other (explain): PLESSY v. FERGUSON 163 U.S. 537 In which
STAMPED DARKER HIGHER African American males
with BADGE OF INFERIORITY In Racial Institutional Court systems

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Bronx Supreme Court, Criminal Term
Part 24, Bronx, New York, 10451
 (b) Docket number, case number, or opinion number: Indictment No. 70616-21BX
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Actions of Sedition and Violations of 1st & 14th American USCA Const.
Actions Performed that undermines the Appellate Divisions of New
York States 1st and 3rd Department and Overthrows United States Supreme
 (d) Date of the decision or action: Courts Authority From Sept 14th 2021 up until todote,

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: United States District Courts,
Southern District of New York, 500 PEARL STREET, NY, NY 10007

(2) Date of filing: 04/05/2022

(3) Docket number, case number, or opinion number: 1:22-CV-02794-JPC-SDA

(4) Result: WARDEN OF AMKC Joseph Caputo Recommended to Courts to

(5) Date of result: Dismiss my 2254 Petition JANUARY 6TH 2023

(6) Issues raised: \$ 18 USCS § 3582 (C)(1)(A) First Step Act
Exhaustion Requirement is not Jurisdictional, whether Court can
excuse a Defendants Failure to comply with this statutory require-
ment is a separate question, But not Absolute. Washington v. Baer
925 F.3d 109, 118, and Cir 2019 Congressional Intent is paramount to Any
Determination of whether Exhaustion is mandatory see: United
States v. HANEY No 19-CR-041 US Dist Lexis 63971; McCarthy v. Madigan 503

(b) If you answered "No," explain why you did not appeal: US 140. The Magistrate
Judge stated there are not any legal Basis upon which to
Grant Any of my petitions or motions Filed in Courts.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

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(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: United States District Courts, Southern District of New York 500 Pearl Street, New York, New York 10007
- (2) Date of filing: November 4th, 2021
- (3) Docket number, case number, or opinion number: 1:23-cv-8295(LTS)
- (4) Result: CASE dismissed I showed no denial of a Constitutional Right
- (5) Date of result: November 6th, 2023
- (6) Issues raised: Kidnapping Presidential Candidate Violation of 18 USCS § 879 (A)(3) Violation of 1st, 2nd, 4th, 5th, 7th, 8th, 9th, 13th, 14th, 19th, 22nd, 24th, 29th Amendments USCA Const. United States v. Bagdasarian 652 F.3d 1113, Direct injury from Government Action that went beyond mere surveillance activity. Violation of Interstate Agreement on Detainers Act. State must hold trial in 120 days. Hill v. United States 368 U.S. 421

(b) If you answered "No," explain why you did not file a second appeal: It was removed from ORC's mailing system in violation of 18 USCS § 1341 PEREIRA v. United States 347 U.S. 1, 74 S.Ct. 358, 98 L.Ed. 435, 1954 U.S. LEXIS 3473, 26-23 (1954).

9. After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: United States District Courts, Southern District of New York 500 Pearl Street, NY, NY 10007
- (2) Date of filing: September 19th, 2023
- (3) Docket number, case number, or opinion number: 1:23-cv-08296-LTS
- (4) Result: Dismissed under 28 USC § 1651
- (5) Date of result: November 6th, 2023
- (6) Issues raised: 28 USC 1605A (1)(2) Hostage Taker Any Person who SEIZES OR DETAINS AND THREATENS TO KILL TO INJURE OR TO CONTINUE TO DETAIN ANOTHER PERSON. THE PROBABLE CAUSE STATEMENT ON INDICTMENT #70616-21 WAS TOTALLY FABRICATED, THE INDICTMENT IS JURISDICTIONALLY DEFECTIVE CPL 290.10(1) CPL 200.70(2), LACKS ELEMENT OF ALL CHARGED CRIMES CPL 10.10(1), CPL 10.10(10), VIOLATION OF FARETHA V. CAL 422 US 806 and PEOPLE V. DELGADO 281 A.D. 2d 556.

(b) If you answered "No," explain why you did not file a third appeal: DELGADO 281 A.D. 2d 556.

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

- (a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?
- ☒ Yes ☒ No

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If "Yes," provide:

(1) Name of court: United States District Courts, Southern District of NY.(2) Case number: 1:23-CV-8313(3) Date of filing: 10/16/2023(4) Result: Dismissed without Prejudice(5) Date of result: October 16th, 2023(6) Issues raised: CPLR 7803 (2) Quasi Jurisdiction andJudicial Action Clear legal that cannot be taken orperformed 28 USC 1367 Supplemental Jurisdiction. Violation of Civil Right Act of 1871, Unified Court systemcannot make an Executive Law 63(3) Violation of theVienna Conv. on the Law of Treaties Act 53 May 23rd 1969, 1155 UNTS

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), 33a, 86m seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence? 679.

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: Incognizable I was not convicted by
any courts. Federal or state.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: September 14th, 2021(b) Date of the removal or reinstatement order: not set as of today

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

If "Yes," provide:

- (1) Date of filing: NOVEMBER 22ND, 2023
 (2) Case number: UNASSIGNED
 (3) Result: premature pre perceiving
 (4) Date of result: not applicable
 (5) Issues raised: 8USCS § 1481 And 8USCS § 1101

(c) OBTAINING NATURALIZATION IN A FOREIGN STATE
UPON HIS OWN APPLICATION OR UPON AN APPLICATION FILED
BY A FULLY AUTHORIZED AGENT AFTER HAVING ATTAINED
THE AGE OF 18, OR: VOLUNTARILY LEAVE STATE OF US
IMMIGRATION AND NATIONALITY ACT AND RECEIPT OF MY
 (d) Did you appeal the decision to the United States Court of Appeals? World Passport!

☐ Yes☒ No

If "Yes," provide:

- (1) Name of court: _____
 (2) Date of filing: _____
 (3) Case number: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
 (b) Name of the authority, agency, or court: _____
 (c) Date of filing: _____
 (d) Docket number, case number, or opinion number: _____
 (e) Result: _____
 (f) Date of result: _____
 (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: 28 USCS § 1651(A) THE SUPREME COURT AND ALL COURTS ESTABLISHED BY ACT OF CONGRESS MAY ISSUE ALL WRITS NECESSARY OR APPROPRIATE IN AID OF THEIR RESPECTIVE JURISDICTIONS AND AGREEABLE TO THE USAGES AND PRINCIPLES OF LAW. (B) AN ALTERNATIVE WRIT OR RULE NISI MAY BE ISSUED BY A JUSTICE OR JUDGE OF A COURT WHICH HAS JURISDICTION. SUCH SECTION 376 PROVIDED: WRITS OF HABEAS MAY BE GRANTED BY ANY JUSTICE OF THE SUPREME COURT, IN CASES WHERE THEY MIGHT BE GRANTED BY THE SUPREME COURT, AND BY ANY DISTRICT JUDGE, IN CASES WHERE THEY MIGHT BE GRANTED BY THE DISTRICT COURT OF WHICH HE IS A JUDGE. BUT NO WRIT OF HABEAS SHALL BE GRANTED UNLESS SUIT OF EQUITY COMMENCED, AND SATISFACTORY PROOF IS MADE TO THE COURT OR JUDGE GRANTING THE SAME THAT THE DEFENDANT DESIGNS TO QUICKLY TO DEPART FROM THE UNITED STATES.

(a) Supporting facts (Be brief. Do not cite cases or law.): MAY BE ISSUED BY A JUSTICE OR JUDGE OF A COURT WHICH HAS JURISDICTION.

(b) Did you present Ground One in all appeals that were available to you? ☐ Yes ☒ No

GROUND TWO: 18 USCS § 3142, LOCAL Rule Crim 49.1(d) THIS HABEAS CORPUS REQUEST FOR ORDER OF RELEASE IS NECESSARY FOR THE PREPARATION OF DEPARTURE FROM UNITED STATES WITHIN 120 DAYS WITH 30 DAY EXTENSION TIME ADDED. JUDICIAL NOTICE.

(a) Supporting facts (Be brief. Do not cite cases or law.): OF OBTAINMENT OF MY WORLD PASSPORT. FEDERAL PRACTICE & PROCEDURE 2948 A PRELIMINARY INJUNCTION IS AN EXTRAORDINARY AND DRASTIC REMEDY. HABEAS RELIEF IS AT ITS CORE REMEDY FOR UNLAWFUL EXECUTIVE DETENTION (2 ANYLER 10041A) [113] A JUDGE'S EXTRA JUDICIAL ACTIVITIES MUST COMPORT WITH JUDICIAL OFFICE AND NOT CAST REASONABLE DOUBT ON THEIR DUTY TO ACT IMPARTIALLY.

(b) Did you present Ground Two in all appeals that were available to you? ☐ Yes ☐ No

GROUND THREE: I.R. Code 6221-33 BUSINESS & CORPORATION LAW 311 USCS § 362-549, 26 USCS § 995, 246 AND 408 DOMESTIC OR INTERNATIONAL SALES OF CORPORATION AND SHARES AND EXCISE TAXES UNDER I.R. CODE 4973, UPON RECEIPT OF MY WORLD PASSPORT, RENOUNCE MY CITIZENSHIP.

(a) Supporting facts (Be brief. Do not cite cases or law.): PETITIONER OWNS AN SECURITY AND EXCHANGE COMMISSION REPORTING CORPORATION TITLED BLACKOUT ENTERTAINMENT GROUP INC C.I.B. NOT 0001802816. PETITIONER MUST SELL OWNED CORPORATION AND PAY TAXES ON FUNDS AND SHARES PRIOR TO EXITING THE UNITED STATES AND CONVERTING CURRENCY INTO EXILED COUNTRIES CURRENCY.

(b) Did you present Ground Three in all appeals that were available to you? ☐ Yes ☒ No

GROUND FOUR: Violation of 18 USC § 243 Illegal To Exclude Blacks and due to the CROMOCRACY The Racial Institutions such as Court systems in United States have chained Blackness to servitude and whiteness to Liberty Violation of 13 America USCA Const.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I HAVE OVER 260 LAW ON THE FEDERAL LAW BOOKS ALL IN SUITS OF EQUITY AND IN OVER 20 YRS. I'VE NOT SO MUCH AS BE GRANTED ONE. EVEN OUR UNITED STATES DEPARTMENT OF JUSTICE STATES SAYS NOT SO MUCH AS I. IT IS A "FACT" THAT IN OUR THE UNITED STATES COURT SYSTEM THAT I HAVE BEEN AND IS BEING DISCRIMINATED AGAINST. RENOUNCE MY

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

Citizenship

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

I Petitioner Raised the Question which Resulted in the REPEAL OF ROE V. WADE (1973) RUSSELL SIMMONS RAISED QUESTION THAT RESULTED IN THE REPEAL OF THE ROCKEFELLER DRUG LAWS. HE WAS ALLOWED TO LEAVE THE UNITED STATES IN EXILE, I SHOULD BE ALLOWED TO LEAVE AS WELL. I WISH TO RENOUNCE MY CITIZENSHIP AND NATURALIZATION UPON ANOTHER COUNTRY AFTER SECURING MY WORLD PASSPORT.

Request for Relief

15. State exactly what you want the court to do:

EXPATRIATE MILLIGAN 71 U.S. 170 I WISH TO ORDER MY RELEASE FROM NEEL MCCORMACK AND ANY OTHER WARDEN OF THIS STATE SO I CAN PROPERLY PREPARE TO EXIT UNITED STATES, APPLY FOR CITIZENSHIP IN ANOTHER COUNTRY AND PAY MY TAXES AND DEBTS ALONG WITH CANCEL OUT STANDING CONTRACTS PENDING. VOLUNTARILY LEAVE THE SLAVE STATE OF THE UNITED STATES 8 USC § 1481 (C), 8 USC § 1101 PURSUANT TO THE IMMIGRATION AND NATIONALITY ACT. UPON APPLICATION AND EXPEDITED RECEIPT OF MY WORLD PASSPORT I RENOUNCE MY CITIZENSHIP. UPON SUPERVISION INA 249 (A)(5), OF 18 USC § 3853 (A)(2)(C) FOR THE 120 DAYS.

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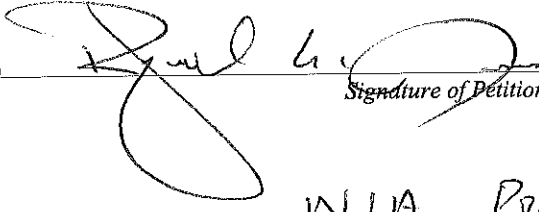
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

NOVEMBER 22ND, 2023.

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

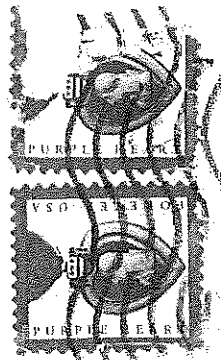
Date: NOVEMBER 21ST, 2023


Signature of Petitioner

N/A Pro Se
Signature of Attorney or other authorized person, if any

Rafael Jones 895230011
036C 18-00 Hazen Street 7495R
East Elmhurst, New York 11370

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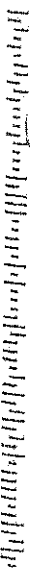


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Southern District of New York
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Pro Se

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